

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
December 19, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, December 19, 2011 at 10:00 a.m. **Commissioners Ron Averill, Bill Schulte, and F. Lee Grose** were in attendance. **Chairman Averill** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, December 12, 2011. **Commissioner Grose** seconded the motion.

Motion Carried 3-0

CONSENT

Commissioner Grose moved to approve Consent Agenda items one through seventeen. **Commissioner Schulte** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

1. Resolution No. 11-426 Approval of warrants for payment.

Chairman Averill stated this approves 284 warrants issued by the Auditor's Office for \$750,699.46 and 261 Payroll Benefits warrants for draws on pay totaling \$231,642.00.

2. Resolution No. 11-427 Cancellation of warrants.

Chairman Averill stated this approves cancellation of two warrants issued by the Lewis County Auditor. One warrant in the amount of \$2,862.69 was partially paid to the incorrect vendor and one warrant in the amount of \$139.28 duplicated payment made by another department. The warrant for \$2,862.69 will be reissued.

3. Resolution No. 11-428 Approving an agreement between the Centralia-Chehalis Chamber of Commerce and the Cities of Chehalis and Centralia for tourism promotion and visitor information services for 2012.

Chairman Averill stated this approves an agreement between the Centralia-Chehalis Chamber of Commerce, the Cities of Centralia and Chehalis and Lewis County for tourism promotion and visitor information services for 2012. Lewis County's share of funding for this project is \$15,000.00 (from Lodging Tax funds).

4. Resolution No. 11- 429 Committed fund balances for Self Insurance Fund No. 113.

Larry Grove, Lewis County Auditor's Office, stated we are complying with the new accounting standard GASB Statement No. 54. The County established a self-insurance fund in 1979 for workers compensation as a self-insured entity. As part of the new

standard the Board has the authority to commit the fund balance to a specific purpose so it will not be available for other purposes.

Chairman Averill stated with this specific fund the State requires that we set 20% aside. It has to be available in case we go bankrupt.

5. Resolution No.11-430 Approving the County's Simplified Indirect Cost Allocation Plan.

Amanda Migliaccio, Auditors Office, stated this Resolution is to establish the cost allocation rate that will be effective during the 2012 fiscal year. The plan was prepared in accordance with OMB Circular A-87 and established an indirect cost allocation rate of 19.51%. The rate may be used by any county department for federal grants or contracts that permit the reimbursement of indirect costs. The rate is applied to direct salaries charged to the federal grants or contract in order to determine the indirect cost that may be billed.

6. Resolution No. 11-431 Approving a grant from Fund 159 Auditor O&M to the Lewis County Historical Society for administrative costs for calendar year 2011.

Chairman Averill stated this approves grant funding of \$6,500.00 to the Lewis County Historical Society from the Lewis County Auditor Operation and Maintenance Fund (Fund 159). Part of this fund is derived from a surcharge of five dollars per instrument for each recorded document, one dollar of which shall be used at the discretion of the County Commissioners to promote historical preservation or historical programs. The Commissioners have designated \$25,000.00 from this fund to the Historical Museum for 2012; however, since the Museum is currently in financial distress this resolution provides an advance of funding for the remainder of 2011.

7. Resolution No. 11-432 Approving an agreement with Catholic Community Services in support of Senior Services Programs in Lewis County.

Chairman Averill stated this approves an agreement between Lewis County and Catholic Community Services (CCS) of Western Washington in support of Senior Services programs in Lewis County. This contract is for a six month period, through June 30, 2012 and extends CCS's current contract maintaining the enrichment program and operation of the five Senior Center buildings (Twin Cities, Winlock, Toledo, Morton and Packwood). Lewis County will provide \$50,000.00 in contribution to the Enrichment Program and a \$25,000.00 "in kind" lease contribution. This six month agreement will allow for an annual agreement to be put in place that will run concurrent with CCS's fiscal year of July 1 to June 30.

8. Resolution No. 11-433 Appointments to the Criminal Justice Treatment Account Panel.

Tara Smith, Social Services, stated this Resolution approves the appointments of Larry Meade (Chemical Dependency Professional) and Ken Johnson (Criminal Defense Attorney) to the local Criminal Justice Treatment Panel for the period of July 2012 through June 2013. This is in accordance with RCW 70.96A.350 for the Criminal Justice Account requiring the appointment of a local panel to guide the County on the use of the Criminal Justice Treatment Account funds.

Chairman Averill stated while this fund predominately funds the Drug Court it also gets used for other alternative chemical dependency programs.

9. Resolution No. 11-434 Appointment to the Lewis, Mason, Thurston County Area Agency on Aging Advisory Council.

Tara Smith, Social Services, stated this Resolution approves the appointment of Linda Tomasheck as a member of the Area Agency on Aging Advisory Council as a representative from Lewis County. She will be replacing Steve Clark as a county's representative. Linda has completed the application and expressed her desire to serve on the council.

Chairman Averill stated this is a two year appointment and members can serve three consecutive appointments.

10. Resolution No. 11-435 Approving a Collective Bargaining Agreement with the Lewis County Corrections Guild, representing the Lewis County Corrections Officers.

Archie Smith, Human Resources, stated this Resolution completes the Collective Bargaining Agreement between the Lewis County Sheriff's Office and the Lewis County Corrections Guild. Settlement was reached as a result of an Arbitration Hearing whereby the Arbitrator rendered a decision on the remaining items in dispute. The Arbitrator's award provided for a 1% COLA for 2010 and 1.4% COLA for 2011. Also, the County Contribution toward health benefits was set at a maximum of \$1,138.10. The CBA covers the period of February 9, 2009- December 31, 2011. Basic housekeeping procedures were not listed as changes. No management rights were waived or reduced.

11. Resolution No. 11-436 Ratify consultant supplement and contract change orders over \$40,000.00 per Resolution No. 09-299.

Tim Elsea, Director of Public Works, stated pursuant to Resolution 09-299 requirements, Directors of each of the County departments, under authority of the Board of County Commissioners, possess authority to execute and bind Lewis County to consulting services contracts, projects, agreements, grant applications, contract amendments, and change orders involving the actual expenditure or receipt of less than \$150,000.00 per year funded with Federal or State monies provided that, by resolution, acceptance of such funding has been authorized and approved by the Board. Further, the Board will ratify by

resolution, after-the-fact, such contracts, projects, agreements, grant applications, contract amendments, and change orders in excess of \$40,000 but less than \$150,000.00. During 2011, Public Works executed individual consultant supplements or individual contract changes in excess of \$40,000. Additionally, some active 2011 projects cumulatively exceeded this \$40,000 threshold. Therefore, post contract ratification is requested for the following individual and cumulative expenditures for the following state or federally funded projects:

- Newaukum Bridge Replacement Project – CRP 2072
- PeEll – McDonald Rehabilitation Project – CRP 2145
- Koontz Road Widening Project – CRP 2089

12. Resolution No. 11-437 Amending the authority of appointed Directors of Departments to execute certain contracts.

Tim Elsea, Director of Public Works, stated this Resolution is intended to amend and supersede certain provisions of Resolutions 04-281, 08-116 and 09-299 which provide a streamlined process for approving contracts, agreements, grant applications, amendments and change orders. Directors will continue to be delegated authority to execute and bind Lewis County to consulting services contracts, projects, agreements, grant applications, contract amendments, and change orders involving the actual expenditure and/or receipt of up to \$40,000.00 per year for individual contracts or services. Directors will also continue to be delegated authority to execute and bind Lewis County to consulting services contracts, projects, agreements, grant applications, contract amendments, and change orders involving the actual expenditure and/or receipt of up to \$150,000.00 per year on a cumulative annual basis per project per contract, provided that, by resolution, the Board ratifies such contracts, projects, agreements, grant applications, contract amendments, and change orders. Approval of this resolution will clarify provisions of Resolution 09-299 to eliminate ambiguity in the language.

13. Resolution No. 11-438 Approving the extension of the maintenance to Hinkley Road.

Tim Elsea, Director of Public Works, stated the property owners within the Blue Creek Estate Subdivision, east of Toledo use approximately 200 feet of the unmaintained Hinkley Road right of way No. 256 for access to Deer Park Lane, a private drive, which is the access road to the Subdivision. The Blue Creek Estates Home Owners Association has requested that the County upgrade the 200 feet of the unmaintained portion of County road right of way to an acceptable standard for County maintenance. The Blue Creek Home Owner Association has entered into an agreement with Lewis County for upgrades to the 200 feet of unmaintained right of way and has paid the County \$4,912.87 for the completed upgrades. The 200 feet of unmaintained right of way has been upgraded to a point that it is acceptable for County maintenance. This resolution would direct the County Engineer to extend maintenance on 200 feet of

Hinkley Road to Deer Park Lane and to change all signage and records to reflect said extension of maintenance.

14. Resolution No. 11-439 Amending Resolution No. 09-409 committing fund balance for the Solid Waste Capital Improvements into a Capital Improvement Account with Solid Waste Fund 401.

Tim Elsea, Public Works Director, stated due to rental market conditions, resolution 09-409 authorized a \$12,300 increase in monthly rent for the Central Transfer Station and placed a limitation on the use of the rent increase to future Solid Waste capital improvements. That market condition adjustment increased the rent above the bond payment of \$38,700 to \$51,000 per month. That resolution also placed the excess funds into the Capital Facilities Plan Fund No. 310 rather than into the Solid Waste Fund 401. This resolution will amend Resolution 09-409 to direct that all excess funds collected since the rent increase be placed into the Solid Waste Fund 401 and will direct all future excess funds to be placed into this fund as well. It further directs that after the final bond payment in 2020 the entire monthly rent will be placed in the Solid Waste Fund 401.

15. Resolution No. 11-440 Final approval of "Onalaska Heights". An 18-lot subdivision.

Lynn Deitrick, Community Development, stated this Resolution grants final approval of "Onalaska Heights", an 18-lot subdivision located in a portion of Section 29, Township 13 North, range 1 East, W.M., Lewis County, Washington. The developer has met all conditions of preliminary approval that was granted by Resolution 11-138, dated April 25, 2011. A public hearing was conducted by the Lewis County Hearing Examiner in conjunction with this proposed plat on April 4, 2011. Preliminary approval for "Onalaska Heights" was granted by the Lewis County Board of County Commissioners April 25, 2011. The proposed subdivision has met all requirements imposed by the Hearings Examiner and approved by the Board of County Commissioners. The proposed plat meets the minimum requirements for water and sewage disposal as administered by Environmental Services and provided by Water-Sewer District #2 (Onalaska). The plat meets the minimum requirements for access and roads as administered by Public Works. The proposed plat complies with all of the land use regulations in effect at the time the application was complete.

16. Resolution No. 11-441 Approving an inter-local agreement with the City of Chehalis regarding Fire Marshal services to unincorporated areas of Lewis County.

Robert Johnson, Director of Community Development, stated the County is currently under contract with the City of Chehalis for certain Fire Marshall services including investigations for fires. The City also provides for inspection services in unincorporated Lewis County. That contract allows for up to three renewals of the contract by approval of both parties. This Resolution authorizes the Community

Development Director to sign the contract extending it for an additional year through December 31, 2012.

Chairman Averill stated some people may be aware that one of the county employee carries a bag and has the title Fire Marshall yet we are going out and contracting for other Fire Marshall services. He asked Mr. Johnson to explain.

Robert Johnson stated our Building Official is the Flood Plain Manager and the County Fire Marshall. Because he holds a number of hats and lives outside of the County it is more cost effective for the County to enter into an inter-local agreement with a local Fire District to provide this service.

17. Resolution No. 11-442 Approval of a Second Supplement to Personal Services Agreement with Anchor QEA.

Robert Johnson, Director of Community Development, stated an appropriation in the 2012 Washington State budget authorized and set aside funding for the Flood Authority which may be used for certain fish-related studies. The County acts as the fiscal agency for the Flood Authority. In 2010, the County, acting as the fiscal agency for the Flood Authority, and Anchor QEA entered into an Agreement for studies related to fish and that Agreement was amended by a Supplementary Agreement in September 2011 by Resolution No. 11-262. Under terms of the Supplementary Agreement, certain deliverables were to be completed by December 31, 2011. Due to a number of circumstances, the deliverables cannot be completed by that date. At the December 15, 2011 meeting of the Flood Authority, the Anchor QEA Agreement was discussed, including the Agreement end date. The Flood Authority authorized a Second Supplemental Agreement to extend the end date of the Supplemental Agreement between Lewis County and Anchor QEA from December 31, 2011 to June 30, 2012.

Chairman Averill stated the original fish study was to look at what is going to be the impact on fish if we were to build a water retention facility south of PeEll. The contract was let out in 2010 but unfortunately we had a problem with access onto Weyerhaeuser properties and other issues at the start of that contract so instead of beginning on the first of July they didn't get into the field until late in September. During last year's legislature the legislature allowed for additional time for them to finish the study but also allowed for them to do further studies in other areas. One of those studies was enhancement which says whatever damage is done with water retention can I mitigate for that or enhance other areas of the river to make up for that problem. Another study on sediment flow from the dam site was directed. Both were approved at the end of the session and we didn't contract with Anchor QEA until almost August. It was never intended that the new contracts would be done in December. The Flood Authority at their meeting last week agreed that these studies are very important to us and we need to give Anchor QEA the time to complete it.

Motion Carried 3-0

HEARING

• Hearing- Adopting the 2012 Vader Budget-Resolution No. 11-443

Chairman Averill announced the hearing and asked for a staff report.

Dawna Truman, Budget Director, stated the City of Vader water system was put into receivership on October 29, 2010 and Lewis County became responsible for the care and maintenance of the system as of January 1, 2011. The Board has conducted various County meetings, hearings, and work session to consider the 2012 budget for the Vader Water System. The requested 2012 budget for the Vader Water System is in the amount of \$266,966.00 for revenue and \$269,949.00 for expenditures. There is an expectation that there will be funds available at the end of 2011 to support the 2012 budget.

Chairman Averill asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Dawna Truman asked that her previous comments be adopted into the record.

Chairman Averill asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Schulte made a motion to approve Resolution No. 11-443.

Commissioner Grose seconded the motion. Karri Muir, Clerk of the Board, read the item into the record.

Resolution No. 11-443 A Resolution for the Vader Water System Fund 623 to Approve the 2012 Adopted Budget.

Motion Carried 3-0

• Hearing-Approving the 3rd 2011 Budget Amendment-Resolution No. 11-444

Chairman Averill announced the hearing and asked for a staff report.

Dawna Truman, Budget Director, state the 3rd 2011 budget amendment has been published in the East County Journal on December 7th and 14th. Below is a summary of the changes affected by this budget amendment resolution.

CURRENT EXPENSE:

Revenue: \$21,328.00

Expenditures: \$274,240.00

Fund balance: \$(252,912.00)

OTHER FUNDS:

Revenue: \$560,292.00

Expenditures: \$1,450,931.00

Fund balance: \$(890,639.00)

ALL FUNDS: NOTICED AMOUNT

REVENUE: \$572,656.00

EXPENDITURES: \$1,411,357.00

FUND BALANCE: \$(838,701.00)

Changes – \$8,722.00 - Fund 140 CDBG Grant, increased exp. and rev
\$6,500.00 - Fund 159 Auditors O&M increased exp. and decreased fund balance.
\$8,350.00 - 001-121 Budget/Fiscal Services increased exp. and decreased fund balance.
\$242.00 – 001-701 WSU Extension, increased exp. and rev.
\$15,000.00 – 001-110 Prosecutors increased exp. and use of fund balance
\$200,000.00 – Fund 505 Risk Management increased exp. and use of fund balance
\$1,914.00 – 001-201 Sheriff increased exp. and use of fund balance
\$(1,914.00) – Fund 165 Gambling & Fraud Enf. Decreased exp. and increased fund balance
\$75,000.00- Fund 106 SWWF Increase in exp. and decrease in fund balance

ALL FUNDS: FINAL AMOUNT

REVENUE: \$581,620.00

EXPENDITURES: \$1,725,171.00

FUND BALANCE: \$(1,143,551.00)

Chairman Averill asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Dawna Truman asked that her previous comments be adopted into the record.

Chairman Averill asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Grose made a motion to approve Resolution No. 11-444.

Commissioner Schulte seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

Resolution No. 11-444 Lewis County 2011 Budget, Emergency and Supplemental Appropriations to and Transfers within Current Expense and Various Funds.

Motion Carried 3-0

- **Hearing- Ordinance 1235- Exempting testing of ammunition at an authorized manufacturing facility**

Chairman Averill announced the hearing and asked for a staff report.

Robert Johnson, Director of Community Development, stated this hearing was noticed in the East County Journal on November 28, 2011. under existing County Code Chapter 9.10.030, discharge of a firearm is prohibited within a “no shooting zone.” Exemptions allow discharge under certain conditions. No exemption currently exists for lawfully operating ammunition manufacturing facilities. Testing is not allowed in “no shooting” zones. The proposed ordinance would provide for an exemption, allowing the discharge and testing of ammunition by an authorized manufacturer in facilities designed for such testing.

Chairman Averill stated we have set no shooting zones in a few locations in the County where we have populations that are fairly close together. What we have in Packwood now, after many years of the East Lewis County PDA having trouble keeping tenants, is the Silver State Armory came to us wanting to establish an ammunition manufacturing facility at the PDA. Part of their business is to make sure what they manufacture works. They did have a firing range facility in the new building but there is a need for an outside facility with more room to test larger calibers of ammunition. So, they have come to us so they can do that.

Chairman Averill asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Robert Johnson asked that his previous comments be adopted into the record.

Chairman Averill asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Schulte made a motion to approve Ordinance 1235. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.


Ordinance No. 1235 An Ordinance of Lewis County, Washington Amending Chapter 9.10.030, Lewis County Code, Adding a New Subsection (E) Providing for an Exemption for testing of Ammunition by an Authorized Manufacturer at an Approved Facility.

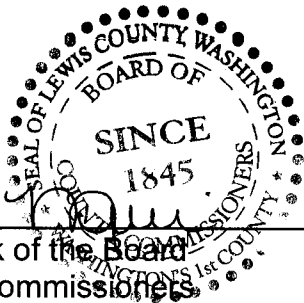
Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 11:14 am on December 19, 2011. The next public meeting will be held Monday, January 9, 2012, at 10:00 a.m.

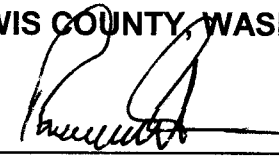
Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

ATTEST:


Karri Muir, Clerk of the Board
Lewis County Commissioners



**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**



Ron Averill, Chairman



P.W. Schulte, Commissioner



F. Lee Grose, Commissioner